

# HOUSE . . . . . No. 2333

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By Mr. Rodrigues of Westport, petition of Bradley H. Jones, Jr.,  
and others for legislation to equalize the quarterly payments of excise  
taxes. Revenue.

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## The Commonwealth of Massachusetts

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### PETITION OF:

Bradley H. Jones Jr.	Michael J. Coppola
Shirley Gomes	Susan W. Pope
Scott P. Brown	Susan C. Tucker
Jeffrey Davis Perry	Michael J. Rodrigues
Karyn E. Polito	Thomas J. O'Brien
John A. Lepper	

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In the Year Two Thousand and Five.

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AN ACT TO EQUALIZE THE QUARTERLY PAYMENTS OF EXCISE TAXES.

*Be it enacted by the Senate and House of Representatives in General  
Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. Section 3(c) of chapter 63B. of the General Laws  
2     is hereby amended by striking said section and inserting in place  
3     thereof the following:—  
4     Section 3(c). For purposes of this chapter, there shall be four  
5     required installments for each taxable year, except as otherwise  
6     provided by this chapter. The first installment shall be paid on or  
7     before the fifteenth day of the third month of the taxable year; the  
8     second installment shall be paid on or before the fifteenth day of  
9     the sixth month of the taxable year; the third installment shall be  
10    paid on or before the fifteenth day of the ninth month of the tax-  
11    able year; and the fourth installment shall be paid on or before the  
12    fifteenth day of twelfth month of the calendar year. The amount of  
13    any installment shall be twenty-five per cent of the required  
14    annual payment.

15 The term “required annual payment” means the lesser of  
16 (i) ninety percent of the tax shown on the return for the taxable  
17 year or, if no return is filed, ninety percent of the tax for such  
18 year, or  
19 (ii) one hundred percent of the tax shown on the return of the  
20 corporation for the preceding taxable year, or  
21 (iii) ninety percent of the tax for the taxable year or, if no return  
22 is filed, ninety percent of tax for such year determined by using  
23 the income apportionment percentage, if any, applicable for the  
24 preceding taxable year in computing its net income subject to tax  
25 under chapter sixty-three.  
26 Clause (ii) shall not apply if the preceding taxable year was not  
27 a taxable year of twelve months or the corporation did not file a  
28 return for such preceding taxable year showing a liability for tax.  
29 Clause (ii) shall not apply in the case of a large corporation, as  
30 defined in section sixty-six hundred and fifty-five (g) of the  
31 Internal Revenue Code of the United States, as amended on Jan-  
32 uary first, nineteen hundred and eighty-nine and in effect for the  
33 taxable year except for purposes of determining the amount of the  
34 first required installment for any taxable year; provided, however  
35 that any reduction in such first installment by reason of this provi-  
36 sion shall be recaptured by increasing the amount of the next  
37 required installment by the amount of such reduction.

1 SECTION 2. Section 4(a) of chapter 63B. of the General Laws  
2 is hereby amended as follows:—

3 By striking the word “sixty-five” in line 4 and inserting in place  
4 thereof the word: “fifty”, and by striking the word “ten” in line 9  
5 and inserting in place thereof the word: “twenty-five”, and by  
6 striking the word “ninety” in line 14 and inserting in place thereof  
7 the word: “seventy-five”, and by striking the word “ten” in line 16  
8 and inserting in place thereof the word: “twenty-five”.

1 SECTION 3. Section 4(b) of chapter 63B. of the General Laws  
2 is hereby amended by striking said section.